

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JULY 1, 2010

CLERK'S OFFICE

2010 JUL -1 P 3: 31

APPLICATION OF

NEWPATH NETWORKS, LLC

CASE NO. PUC-2010-00031

For certificates of public convenience
and necessity to provide local exchange
and interexchange services in the
Commonwealth of Virginia

ORDER FOR NOTICE AND COMMENT

On June 18, 2010, NewPath Networks, LLC ("NewPath" or "Applicant") filed an application for certificates of public convenience and necessity ("certificates") with the State Corporation Commission ("Commission") to provide facilities-based and resold local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia and 20 VAC 5-411-30 E.

NOW UPON CONSIDERATION of the application, the Commission is of the opinion and finds that NewPath's application should be docketed; that the Applicant should give notice to the public of its application; that interested persons should have an opportunity to comment and request a hearing on NewPath's application; and that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff Report.

Accordingly, IT IS ORDERED THAT:

- (1) This case is docketed and assigned Case No. PUC-2010-00031.
- (2) On or before August 2, 2010, the Applicant shall complete publication of the following notice to be published on one (1) occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

100710088

NOTICE TO THE PUBLIC OF AN APPLICATION BY
 NEWPATH NETWORKS, LLC, FOR CERTIFICATES OF
 PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE
 FACILITIES BASED AND RESOLD LOCAL EXCHANGE
 AND INTEREXCHANGE TELECOMMUNICATIONS
 SERVICES THROUGHOUT THE
 COMMONWEALTH OF VIRGINIA
CASE NO. PUC-2010-00031

On June 18, 2010, NewPath Networks, LLC ("NewPath") filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificates") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. In its application, NewPath also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-581.1 of the Code of Virginia and 20 VAC 5-411-30 E.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia. Copies may also be downloaded from the Commission's website: <http://www.scc.virginia.gov/case>, or may be ordered from NewPath's counsel, Jean L. Kiddoo, Esquire, Bingham McCutchen LLP, 2020 K Street, N.W., Washington, D.C. 20006.

On or before August 16, 2010, any person desiring to comment on NewPath's application for certificates to provide local exchange and interexchange telecommunications services may do so by directing such comments in writing to the Clerk of the Commission at the address set forth below. Interested persons desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. A hard copy of the comments, whether submitted in writing or electronically, shall be simultaneously served upon NewPath's counsel at the address set forth above.

Any person may request a hearing on NewPath's application by filing an original and fifteen (15) copies of its request for hearing on or before August 16, 2010, with the Clerk of the Commission at the address set forth below. Requests must include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then

known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. Persons filing a request for hearing shall serve a copy of their request on or before August 16, 2010, upon NewPath's counsel at the address set forth above.

All written communications to the Commission concerning NewPath's application should be directed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and shall refer to Case No. PUC-2010-00031.

NEUPATH NETWORKS, LLC

(3) On or before August 2, 2010, the Applicant shall provide a copy of the notice contained in Ordering Paragraph (2) to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first class mail, postage prepaid, to the customary place of business. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(4) Any person desiring to comment on NewPath's application for certificates to provide local exchange and interexchange telecommunications services may do so by directing such comments in writing on or before August 16, 2010, to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested persons desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. A hard copy of such comments, whether submitted in writing or electronically, shall be simultaneously served on NewPath's counsel, Jean L. Kiddoo, Esquire, Bingham, McCutchen LLP, 2020 K Street, N.W., Washington, D.C. 20006. Comments must refer to Case No. PUC-2010-00031.

(5) On or before August 16, 2010, any person wishing to request a hearing on NewPath's application shall file an original and fifteen (15) copies of its request for hearing in writing with the Clerk of the Commission at the address set forth above. Written requests for hearing shall refer to Case No. PUC-2010-00031 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. A copy shall also simultaneously be served on the Applicant at the address set forth above.

(6) On or before August 27, 2010, the Applicant shall file with the Commission proof of notice and proof of service as ordered herein.

(7) The Commission Staff shall analyze the reasonableness of NewPath's application and present its findings in a Staff Report to be filed on or before September 10, 2010.

(8) On or before September 17, 2010, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any responses to the Staff Report or comments and requests for hearing filed with the Commission. A copy of the response shall be delivered by overnight delivery to Staff and any other persons who filed comments or requests for hearing.

(9) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Persons who filed requests for hearing shall provide to the Applicant, the Commission Staff, and any other persons who filed requests for hearing any workpapers or documents used in preparation of their requests for hearing, promptly upon request. Except as so modified, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure.

(10) The Applicant shall respond promptly to requests from interested persons for copies of the application and shall provide one copy free of charge. Copies are also available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, or may be downloaded from the Commission's website: <http://www.scc.virginia.gov/case>.

(11) In accordance with 20 VAC 5-417-20 G 1 b, the Applicant shall provide a performance or surety bond in the amount of \$50,000 in a form to be prescribed by the Commission Staff. This bond shall be provided to the Commission's Division of Economics and Finance within 30 days from the date of this Order.

(12) NewPath has also filed a Motion for Protective Order ("Motion") in accordance with Rule 5 VAC 5-20-170 of the Commission's Rules of Practice and Procedure. The Commission shall hold the Motion in abeyance until a party seeks access to the information that NewPath has designated as confidential.

(13) This matter is continued generally.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Jean L. Kiddoo, Esquire, and Brett P. Ferenchak, Esquire, Bingham McCutchen LLP, 2020 K Street, N.W., Washington, D.C. 20006; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; and the Commission's Divisions of Communications, Public Service Taxation, and Economics and Finance.

APPENDIX A

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